



TOWN OF KEARNY
HUDSON COUNTY, NEW JERSEY

402 Kearny Avenue
Kearny, New Jersey 07032

ACTION

Alberto G. Santos
Mayor

Steinberg
Callahan
Serrano
Conero
CE Paulson/Acheson
Bullock

Tel.: (201) 955-7979
Fax: (201) 998-6069

Response due
7/20/06

RA's Signature

June 28, 2006

Alan J. Steinberg
U.S. EPA Region 2
290 Broadway, 26th floor
New York, NY 10007

216515



Dear Administrator Steinberg:

Our municipality is a member municipality of the Passaic Valley Sewerage Commissioners (PVSC). Thirty-four northern New Jersey municipalities, comprising in excess of 1.4 million northern New Jersey residents, are members of the PVSC system.

We are concerned about your position that PVSC and its member municipalities are potentially responsible parties (PRPs) under the federal Superfund Law for cleanup of the Lower Passaic River. This could mean that hundreds of millions of dollars would need to be paid out by the municipalities, and ultimately, local taxpayers for cleaning up the Lower Passaic River and for damages. Your position shifts the burden of cleaning up the Lower Passaic River from the corporate dischargers to the thirty-four northern New Jersey municipalities and local taxpayers.

The State of New Jersey does not agree with your position that PVSC and its constituent municipalities are PRPs for the Lower Passaic River. The New Jersey Department of Environmental Protection (NJDEP) filed suit in December 2005 against Occidental Chemical Corporation/Tierra Solutions seeking damages against those companies as the primary source of contamination of the Lower Passaic River. NJDEP did not allege in its suit that PVSC and its member municipalities were a source of contamination of the Lower Passaic River.

We urge you to accept PVSC's proposed settlement offer to reduce its CSO discharges by increasing the wet weather flow capacity at the PVSC treatment plant at a cost of \$100 million. We request that a meeting be set up with you and your staff, PVSC, and the affected municipalities as soon as possible to discuss this important issue.

Very truly yours,

Alberto G. Santos

EPA-REGION II

Cc: Bryan J. Christiansen, Executive Director, PVSC



Correspondence Management System

Control Number: R2-06-001-0828-RA

Printing Date: July 06, 2006

CMS

U.S. EPA, REGION 2
EMER. & RESPONSE
Correspondence Management System

Citizen Information

2006 JUL -8 PM 2:52

Citizen/Originator: Santos, Alberto G.

Organization: Town of Kearny

Address: 402 Kearny Avenue, Kearny, NJ 07032

DIRECTOR'S OFFICE

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R2-06-001-0828-RA

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 20, 2006

of Extensions: 0

Letter Date: Jun 28, 2006

Received Date: Jul 6, 2006

Addressee: R2-Regional Administrator -
Region 2

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: RA-R2-Regional Administrator -
Region 2

Signature Date: N/A

File Code: CORR 141 - Controlled and Major Correspondence

Subject: Town of Kearny are concerned about EPA's Proposed Position for the Passaic Valley
Sewerage Commissioners (PVSC) and its Members Municipalities are Potential Responsible
Parties (PRP) under the Federal Superfund Law for Cleanup of the Lower Passaic River.

Instructions: RA-R2-Prepare draft response for signature by the Regional Administrator for Region 2

Instruction Note: N/A

General Notes: N/A

CC: Wanda Ayala - R2-PAD

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Letitia Cadeau	R2	R2-ERRD	Jul 6, 2006	Jul 20, 2006	N/A
Instruction: RA-R2-Prepare draft response for signature by the Regional Administrator for Region 2					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------



Correspondence Management System

Control Number: R2-06-001-0828-RA

Printing Date: July 06, 2006



Action By	Office	Action	Date
Letitia Cadeau	R2	Assign R2-ERRD as lead office	Jul 6, 2006

Comments

Commentator	Comment	Date
No Record Found.		